

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF ARIZONA

3
4 United States of America,)
5 Plaintiff,)
6 vs.) CR-19-01094-TUC-JGZ-JR
7 Isaias Delgado,)
8 Defendant.) Tucson, Arizona
9 August 9, 2021
10 9:17 a.m.

11 PARTIAL TRANSCRIPT OF JURY TRIAL - DAY ONE
12 GOVERNMENT COUNSEL'S OPENING STATEMENT
13 BEFORE THE HONORABLE JENNIFER G. ZIPPS
14 UNITED STATES DISTRICT JUDGE

15 For the Plaintiff:

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Proceedings recorded by mechanical stenography, transcript
produced by computer.

Aaron H. LaDuke, RMR, CRR
Federal Official Court Reporter
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P R O C E E D I N G S

(Proceedings were had and recorded but not transcribed.)

MS. WOOLRIDGE: Thank you, Your Honor.

May it please the Court; counsel; ladies and gentlemen of the jury. Good afternoon.

There is one thing that all of us up here agree on: Isaias Delgado likes guns. In fact, you'll hear him say it. And there's nothing wrong with liking guns. It's not illegal as a hobby, as a collector, for sports shooting, for hunting, for self-protection; but that's not why Isaias Delgado likes guns. He likes guns as a commodity, something he can buy and sell in hopes of making a profit.

You'll hear that he spent over \$111,000 in just a few months to buy at least 39 guns, guns he no longer has because he turned around and sold them to others. The problem with this and the reason we're here today is that he bought and sold all of these guns without a license; and that, ladies and gentlemen, is against the law.

As the Judge instructed you, the defendant is charged with engaging in the business of dealing in firearms without a license, which means, one, to willfully deal firearms and, two, to do so without a license. But this means more than just an occasional sale made by a hobbyist or a collector. It means devoting time and attention to repeatedly buying and selling firearms with the intent to make a profit.

1 See, the firearms business is regulated because while
2 firearms may be a business commodity, they're also deadly
3 weapons. You'll hear that regulations are in place to ensure
4 that gun buyers undergo background checks, that records are
5 kept of gun purchases, that people don't just indiscriminately
6 sell guns to just anyone so they can make money, regulations
7 that help protect our communities by keeping guns out of the
8 wrong hands.

9 You'll hear that there's a legal way to get into the
10 firearm business and to make a profit legally from buying and
11 selling guns. Lawful firearms dealers adhere to these
12 regulations. They help prevent gun crime and protect our
13 communities.

14 But Isaias Delgado didn't do things the legal way.
15 You'll hear that he specifically bought and sold guns for the
16 purpose of making money and he didn't get a license. He spent
17 more on guns in just two months than he made in the previous
18 three years combined. You'll hear that he sold these guns,
19 almost 40 of them, soon after he bought them.

20 You'll hear that he didn't conduct background checks on
21 the people he sold the guns to. He didn't keep records of his
22 gun sales, didn't report his income from his gun sales, didn't
23 pay taxes on his gun sales, didn't comply with all the
24 regulations that legitimate gun dealers have to comply with;
25 and that, ladies and gentlemen, is against the law. That's

1 why we're here.

2 What's more, Isaias Delgado knew that what he was doing
3 was wrong, and you'll hear about the efforts he took to cover
4 up his crime, to disguise his gun sales, trying to make all
5 his purchases look like just a hobby, but it wasn't a hobby.

6 You'll hear that he spent over 11 -- I'm sorry, over
7 \$111,000 on almost 40 firearms in just a few months, many of
8 the same firearms at one time, such as six Barrett .50 caliber
9 rifles, each worth about 7 to \$8,000, and then sold them. We
10 submit to you that isn't a hobby. That's a business.

11 Fortunately, ATF agents learn about Isaias Delgado's
12 unlicensed firearms dealing. They learn of two particular
13 guns he bought and sold that were recovered outside of Arizona
14 in two separate incidences, and they begin investigating.
15 These agents learn about all the firearms that Isaias
16 Delgado's been buying, high-caliber, high-dollar firearms,
17 several at a time. They discover that he no longer has these
18 firearms. In fact, he has a storage locker with nothing
19 inside of it but several empty firearm boxes with the serial
20 numbers removed because he sold all of these guns after he got
21 them, all to make money.

22 The agents learn that Isaias Delgado currently has an
23 order pending for two .50 caliber rifles and three belt-fed
24 rifles, an order for a total of more than \$34,000, more than
25 he reported making that entire previous year, and this order

1 is to be shipped to N&N Firearms, a licensed firearms dealer
2 in Tucson.

3 So the agents go to N&N on April 4th, 2019, and they talk
4 to the defendant when he goes to pick up the five rifles, the
5 two .50 caliber and the three belt-fed rifles he had
6 purchased. Isaias Delgado tells the agents he had sold these
7 firearms that he had been buying, that he knew he should have
8 gotten a license, and that he knew he was going to
9 get arrested for it. He knew he wasn't doing things the right
10 way.

11 And now he claims that it's all just a hobby, but you'll
12 hear and see all the evidence, ladies and gentlemen, over the
13 next few days, evidence about the 39 firearms he bought for
14 over \$111,000 in just a few months and then turned around and
15 sold them right after he got them; evidence proving that his
16 primary intention was to make repeated firearms sales in hopes
17 of earning a profit; evidence that he needed to get a firearms
18 dealers license in order to make these sales legal, that he
19 could have gotten a firearms dealer license, that he knew he
20 should have gotten a firearm dealers license, but he didn't,
21 plain and simple. He chose to break the law instead. Was it
22 to make more money, to avoid paying taxes, to avoid having to
23 go through the regulations that lawful firearms dealers have
24 to comply with? He made that choice.

25 Once you hear and see all of this evidence throughout the

1 course of this trial, you'll find the government has proven
2 beyond a reasonable doubt that the defendant is guilty of
3 engaging in the business of dealing firearms without a
4 license.

5 Thank you in advance for your time and attention.

6 (Proceedings were had and recorded but not transcribed.)

7 (Court adjourned at 3:56 p.m.)
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C E R T I F I C A T E

I, Aaron H. LaDuke, do hereby certify that I reported the foregoing proceedings to the best of my skill and ability, and that the same was transcribed by me via computer-aided transcription, and that the foregoing pages of typewritten matter are a true, correct, and complete transcript of all the proceedings had, as set forth in the title page hereto.

Dated this 9th day of August, 2021.

s/Aaron H. LaDuke
Aaron H. LaDuke, RMR, CRR
Official Court Reporter